

**SUBDIVISION
ORDINANCE
FOR
KALMAR TOWNSHIP
OLMSTED COUNTY
MINNESOTA**

DATE: November 22, 2016

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ARTICLE I GENERAL PROVISIONS

Section 1.0 SHORT TITLE

This ordinance shall be known and may be cited as the "Subdivision Ordinance of Kalmar Township" and its provisions shall apply to all lands to be subdivided in Kalmar Township, which lie outside the limits of incorporated cities

Section 1.1 PURPOSE

The Subdivision Ordinance of Kalmar Township sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- Emphasize farmland preservation.
- Assure that to the maximum extent possible, any lands developed will be for the best possible use of the entire township with adequate protection against deterioration and obsolescence.
- Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters, air quality, noise, and visual pollutants.
- Use quality design standards for any subdivision allowed.
- Secure the rights of the township residents with respect to public lands and waters.
- Improve land records by the establishment of standards for surveys and plats.
- Minimize governmental operating and maintenance costs.

Section 1.2 ADMINISTRATION

The Kalmar Township Board of Supervisors shall administer the Subdivision Ordinance of Kalmar Township.

Section 1.3 COMPLIANCE

After the adoption of this ordinance no lot in a subdivided parcel shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivided parcel, and no building shall be erected on a subdivided parcel unless a subdivision plat or metes and bounds subdivision has been approved and recorded and until any reasonable improvements required by the Kalmar Township Board of Supervisors relative to the subdivision have been constructed or guaranteed as provided herein. No land shall be subdivided which is held unsuitable by the Kalmar Township Board of Supervisors for reason of flooding, inadequate drainage, water supply or sewage treatment facilities or incompatibility with the Kalmar Township Land Use Plan or the Kalmar Township Zoning Ordinance. All lots within the floodway and flood fringe (FFA and FFB) districts shall contain a building site at or above the Regulatory Flood Protection Elevation. Land within a flood plain may be conveyed and joined on the same deed with an adjoining lot. All subdivisions shall have water facilities that comply with the Olmsted County Board of Health regulations, sewage disposal facilities that comply with the Kalmar Township Septic Ordinance, and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.

Section 1.4 APPROVALS

- Any subdivision of land containing more than two non-farm lots requires a General Development Plan. A General Development Plan shall be acted on by the Kalmar Township Board, which at its discretion may refer the matter to the Kalmar Township Planning and Zoning Commission.
- A Preliminary Plat shall have the approval of the Kalmar Township Planning and Zoning Commission.
- Before any Final Plat is valid, it must be reviewed and by the Kalmar Township Planning and Zoning Commission and approved by the Olmsted County Environmental Commission, Olmsted County Board, Olmsted County Surveyor, Olmsted County Engineer and the Kalmar Township Board of Supervisors as provided herein and recorded in the office of the Olmsted County Recorder.

Section 1.5 ADDITIONAL REQUIREMENTS

The Commission may establish additional requirements for a particular subdivision as deemed necessary in order to achieve the overall goals and purposes of this ordinance and to secure the interests of the public.

ARTICLE II DEFINITIONS

Section 2.0 PURPOSE

For clarity of interpreting this ordinance, certain terms and words are defined below.

A. SUBDIVISION

The division of a lot, parcel or tract of land into two (2) or more lots or parcels is a subdivision. This term shall include re-subdivision.

B. STREETS AND ALLEYS

The term street means a way for vehicular traffic, whether designated as a street, highway, parkway, thoroughfare, arterial, road, roadway or however otherwise designated.

For the purposes of this ordinance, eight (8) functional classifications of streets are used and are defined as follows:

1. HIGHWAYS - Routes carrying large volumes of relatively fast-moving traffic and are designated as Federal, State or Interstate highways.
2. MAJOR STREETS/ROADS - Arterials carrying, large volumes of local traffic between widely separated areas of the community and which may be designated as County State Aid highways.
3. COLLECTOR STREETS/ROADS - Streets which carry traffic from minor streets to major streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments.
4. LOCAL STREETS/ROADS - Streets, which are used principally for access to abutting properties, especially residential properties.
5. SERVICE ACCESS STREETS - Trafficways which are adjacent and parallel to highways and major streets providing access to abutting properties.
6. ALLEYS - Minor trafficways affording a secondary means of access to abutting properties, which is not, intended for general traffic circulation.
7. PRIVATE ROAD - A non-public trafficway utilized by more than four private residences, having a road name and being able to accommodate emergency vehicles.
8. PRIVATE DRIVE - A non-public trafficway utilized by four or less private residences.

C. PARKS

Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.

D. OFFICIAL MAPS

1. **HIGHWAY** - A map of Olmsted County, Kalmar Township and/or any portion thereof lying outside incorporated cities which shows the exact alignments, gradients, dimensions and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities. The official map is available from Olmsted County.
2. **ZONING** – A map or maps of Kalmar Township which are a part of the Zoning Ordinance delineating the boundaries of the zoning districts and representing the approximate boundaries of the overlay zoning districts.

E. GENERAL DEVELOPMENT PLAN (GDP)

A series of maps, documents and publications showing the planned development, the uses of private land and the general location and extent of all necessary or desirable facilities.

F. COMMISSION

The “Commission” shall mean the Kalmar Township Planning and Zoning Commission.

G. TOWN BOARD

The “Town Board” shall mean the Kalmar Township Board of Supervisors.

H. BOARD

The “BOARD” shall mean the Kalmar Township Board of Adjustment.

I. ZONING ADMINISTRATOR

The “Zoning Administrator” is the Township Cooperative Planning Association (“TCPA”) or otherwise designated by the Kalmar Township Board.

J. DEVELOPER

The owner of land proposed to be subdivided or the developer’s representative. Consent shall be required from the legal owner of the premises.

K. CIVIL ENGINEER

A civil engineer registered in the State of Minnesota

L. PLAT

A map or drawing, conforming to State statutes, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record of title.

ARTICLE III PROCEDURES FOR SUBMISSION OF PLATS

Section 3.0. GENERAL DEVELOPMENT PLAN

- A. Purpose: Kalmar Township considers vital, the orderly, integrated, compatible development of the limited land area within the township. The Kalmar Township Land Use Plan establishes general land use policy. The zoning ordinance established detailed polices, regulations and standards for the township. General development plans are necessary to:
1. Insure that the landowner and developer investigates the broad effects of development of property will have on the site and also on adjacent properties and the public infrastructure.
 2. Guide the future growth and development of those portions of the township identified for development in accordance with the land use plan.
 3. Protect the natural, social and economic character of the township by encouraging orderly development that assures appropriate timing and sequencing.
 4. Ensure that the public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed development(s).
 5. Prevent the pollution of water bodies and groundwater; assure the adequacy of drainage; establish protection for and wise management of natural resources in the township.
 6. Provide for open spaces through the efficient design and layout of the land.
 7. Avoid and remedy the problems associated with inappropriately subdivided lands, including premature subdivision and scattered subdivision.
- B. A General Development Plan (GDP) is required prior to:
1. Any subdivision of land containing more than three non-farm lots.
 2. Any zone change, or subdivision of land that would be platted. A GDP is not required if the plat consists of three lots or less.
 3. The Kalmar Township Zoning Administrator may waive this requirement under the following circumstances.
 - a. A preliminary plat has been prepared and is presented at the same time the zone change request is presented.
 - b. The rezoning or subdivision has been initiated by the Kalmar Township Board.
 4. The Kalmar Town Board may waive this requirement under the following circumstances.
 - a. It has determined the request is consistent with the Olmsted County Land Use Plan.
 - b. A majority of the adjoining properties are zoned the same and the request is determined to be infill development.
- C. A General Development Plan shall include:
1. All current parcels proposed for subdivision and development and their current zoning.
 2. Any zone change request that will be necessary prior to platting.

3. All other parcels abutting the property proposed for rezoning or within one-half mile of the boundaries of the property proposed for rezoning.
 4. All adjacent lands under the same ownership as the owner or applicant proposing the development.
- D. The following physical and planning factors should be addressed in a General Development Plan:
1. All parcels need to be provided access to public roads. The present and proposed transportation system and other infrastructure systems including the street pattern and connections to the external street network and shared water supply and sewage treatment systems.
 2. Existing and proposed land uses, densities, and general lot sizes and location.
 3. Surface water drainage systems.
 4. The open space system that may include natural resource lands (unique habitat, outdoor recreational space, wooded areas, significant visual resource areas) and sensitive lands (shorelands, wetlands, floodplain, steep slopes, sinkhole concentrations and other features dependent on the site.
 5. Phases of development, if any.
- E. An application for a General Development Plan shall be present to the zoning administrator. Upon receipt of a complete application, the administrator shall schedule a public hearing before the township planning commission. A General Development Plan and zoning map amendment may be reviewed at the same time in the hearing process. The planning commission shall adopt findings based upon the criteria listed below and upon the evidence established during the hearing and make a recommendation to the town board.
- F. In the review of a General Development Plan, the Commission and Town Board shall make findings indicating that:
1. The proposed land uses are in accord with the Kalmar Township Land Use Plan and Zoning Map
 2. The street pattern is appropriate to serve the properties under consideration and future development of adjoining properties.
 3. The proposal make provision for planned capital improvements and streets based on the Olmsted County Capital Improvement Plan
 4. The proposal makes adequate provision for surface water drainage, soil erosion control, water supply and sewage treatment consistent with State Statute and Rule and Township Ordinance.
 4. The lot, block and street layout is consistent with general development and resource management policy.
 5. The lot, block and street layout is consistent with the subdivision design principals as defined in other sections of this ordinance.
 6. The unique natural resources and sensitive areas are protected through open space provisions and appropriate lot layout.
 7. Development will occur in an orderly fashion.
 8. Connecting roads are adequate to handle projected traffic, or provisions have been made to correct deficiencies.

Section 3.1. PRELIMINARY PLAT

Upon approval of the GDP, the subdivider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the Township Board or the Olmsted County Board of Health or their Designee.

Copies of the preliminary plat and supplementary material as specified in Article IV, Section 4.2. along with a completed application form shall be submitted to the zoning administrator. The applicant is also responsible to get separate approval from the Olmsted County Board of Health, or their Designee prior to filing a final plat.

Upon determining the application is complete, the zoning administrator shall schedule a public hearing before the Planning Commission as determined by Statute. The Commission shall hold the public hearing, review the preliminary plat and make recommendations as to conditions of approval to the Town Board. The Town Board, at their next regularly scheduled meeting shall act upon the Commissions recommendation, determining approval, approval with conditions or disapproval with its reasons for disapproval. If the plat is approved with conditions, applicant shall submit to the zoning administrator a copy of a revised preliminary plat along with all supporting documents within one (1) year of approval or the preliminary plat approval is considered null and void.

Approval of a preliminary plat shall not constitute approval of the final plat. Approval of a preliminary plat is hereby limited to a period of two (2) years from the date of approval, after which time the subdivider is required to resubmit a preliminary plat.

A grading permit may be issued for and grading may begin on the proposed development once the preliminary plat has been approved and all conditions have been met. An erosion control plan is required for grading permit approval.

Section 3.1 Preliminary Plat

Upon approval of the GDP, the subdivider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the Township Board or the Olmsted County Board of Health or their Designee.

Copies of the preliminary plat and supplementary material as specified in Article IV, Section 4.2. of this document; along with a completed application form shall be submitted to the Zoning Administrator. The applicant is also responsible to get separate approval from the Olmsted County Board of Health, or their Designee prior to filing a final plat.

Upon determining the application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission as determined by State Statute. The Commission shall hold the public hearing, review the preliminary plat and make recommendations as to conditions of approval to the Town Board. The Town Board, at their next regularly scheduled meeting shall act upon the Commissions recommendation, determining approval, approval with conditions or disapproval with its reasons for disapproval. If the plat is approved with conditions, applicant shall submit to the Zoning Administrator a copy of a revised preliminary plat along with all supporting documents within one (1) year of approval or the preliminary plat approval is considered null and void.

An approval of a preliminary plat shall not constitute approval of the final plat. Aof a preliminary plat is hereby limited to a period of two (2) years from the date of approval, after which time the subdivider is required to resubmit a preliminary plat and application.

A grading permit may be issued for and grading may begin on the proposed development once the preliminary plat has been approved and all conditions, which may include a surety bond, have been met. An erosion control plan is required for grading permit approval.

Section 3.2 FINAL PLAT

Prior to filing a final plat, applicant shall submit to the Zoning Administrator a preliminary plat as approved by the Board along with any other supporting documents required as a condition of approval.

The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time, provided however, that such portion conforms to all requirements of this ordinance and is done within the two (2) year time frame. Any portion of an approved preliminary plat that has not been approved as a final plat must go through the preliminary platting process again.

Copies of the final plat and supplementary material as specified in Article IV, Section 4.2 along with a completed application form shall be submitted to the Zoning Administrator. The applicant shall provide proof of application to the Olmsted County Environmental Commission with the application for final plat approval.

Upon determining the application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission as determined by State Statute. The Commission shall hold the public hearing, review the final plat and make recommendations as to conditions of approval to the Town Board. The Town Board, at their next regularly scheduled meeting shall act upon the Commission's recommendation, determining approval, approval with conditions or disapproval with its reasons for disapproval. In the event that the plat has not been approved by the Olmsted County Environmental Commission, conditional approval may be given by the Township Board pending Olmsted County Environmental Commission approval.

Section 3.3 RECORDING FINAL PLAT

Approvals by the Olmsted County Board, Olmsted County Environmental Commission, Olmsted County Surveyor, Olmsted County Engineer and Township Board are required prior to recording.

The final plat of record, prepared in accordance with this ordinance shall be filed by the subdivider with the Olmsted County Recorder. The subdivider shall furnish signed copies to the County Recorder. The applicant shall furnish an original signed mylar and one paper copy of the signed and recorded plat to the Kalmar Township Zoning Administrator.

ARTICLE IV SPECIFICATIONS FOR PLANS AND PLATS

Section 4.0 PRELIMINARY PLAT

The preliminary plat shall be drawn on suitable tracing paper or other material of suitable quality with black waterproof ink or pencil at a scale not greater than one hundred (100) feet equals one (1) inch. Original prints or legible reproductions of said drawing may be submitted to the Township Board for the purposes of receiving conditional approval.

Section 4.1 FINAL PLAT

The final plat shall be drawn on muslin-backed white paper, photographic Mylar or other suitable material with black waterproof ink. The final plat shall measure thirty (30) inches in length and twenty (20) inches in width with a border line of one and one-half (1 1/2) inches provided on the left side of the thirty (30) inch length and a border of one-half (1/2) inch provided on the other three (3) sides. When more than one (1) sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets, i.e., 2 of 3. The final plat shall be drawn to a scale not greater than one (1) inch to one hundred (100) feet. Where there is a difference in requirements between this subdivision ordinance and the State platting and surveying standards then the State standards will prevail.

Section 4.2 GENERAL INFORMATION

The information to be included on the preliminary and final plats is as follows:

PRELIMINARY PLAT

- Date, scale, north point.
- Proposed subdivision name and all intended street names.
- Name of the owner, developer and surveyor preparing plat.
- Location of the plat by quarter, quarter section, section, town and range.
- Topographic map of the area showing two foot contours and delineating areas with the following changes in slope: minimum contours of two feet as follows: seven (7) percent or less; eight (8) to fifteen (15) percent; sixteen (16) to twenty-five (25) percent.

FINAL PLAT

- Date, scale, north point.
- Subdivision name and all street names.
- Name of the owner of record and surveyor preparing plat.
- Location of the plat by quarter, quarter section, section, town and range.
- Exact location, widths and names of all existing platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses and drainage ditches all of which are of record.

PRELIMINARY PLAT

- Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
- Zoning classification of lands to be subdivided and all adjacent lands.
- Location, widths and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings and structures and such other data as may be required by the Commission within the area being subdivided and within three hundred (300) feet of the exterior boundaries of the area being subdivided.
- Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.
- Location and boundaries of all floodplain, floodway and wetland areas. Location and edge boundaries of all sinkholes must be clearly indicated. (Ref. Article VII).
- The layout and width of all proposed new streets and rights-of-way, private roads, storm drainage and easements, whether public or private, for public and private utilities.
- Length and bearings of the exterior boundaries of the land being subdivided.
- Dimensions of all lots.

FINAL PLAT

- Water elevations of adjoining lakes, rivers and streams at date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.
- Exact location and width of all streets, their bearings, dimensions, angle of intersection, length of arcs, radii, points of curvature, tangent bearings, easements, private roads and storm drainage.
- Exact length and bearings of the exterior boundaries of the land being subdivided.
- Exact dimensions of all lots.
- Exact radii of all curves and lengths of all tangents.
- Exact location and width of all known or recorded easements, whether public or private and a statement of easement rights.
- Accurate location and material of all permanent reference monuments.
- Certificate of the registered land surveyor preparing the plat that the plat as presented fully complies with the requirements of this ordinance and the platting laws of the State of Minnesota, and appropriate signature lines.

PRELIMINARY PLAT

- Radii of all curves and lengths of all tangents.
- Location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of such dedication or reservation.
- Location of all proposed or existing wells (active, abandoned or capped) and any distribution systems to point of service connection.
- Location of well site and distribution system to point of service connection, if a community water supply is being proposed.
- Location of proposed septic support or field areas including the location of percolation test sites and boring holes, per current Kalmar Township Septic Rules and the Kalmar Township Zoning Ordinance.
- An engineering feasibility report for the installation and operation of community-type sewage disposal system and water distribution system where such facilities are to be incorporated in the final plat.
- Drainage design, stormwater management including stormwater ponds both temporary and permanent, and erosion control including, ditch checks, silt fencing and seeding types.
- Roadway designs including cross-sections and finished grade and ditch slopes. Reports shall include present grades and contours and finished grades and contours.
- A soil analysis delineating types per the Soils Survey of Olmsted County, Minnesota and obtainable from the United States Department of Agriculture, Soil Conservation Service.

FINAL PLAT

- Exact location and area of all land to be dedicated for public use and use or purpose must be defined on plat.
- Signature line for Olmsted County Engineer
- Signature line for Olmsted County Surveyor
- Signature line for Olmsted County Environmental Specialist.
- Signature line for the Kalmar Town Board

ARTICLE V SUBDIVISION DESIGN STANDARDS

Section 5.0 STREET AND ROAD DESIGN STANDARDS

Street and road design standards shall conform to the “Subdivision Roadway Design Standards” adopted by Kalmar Township.

Section 5.1 MINIMUM STREET DESIGN STANDARDS

	MAJOR THOROUGHFARE	COLLECTOR STREET	LOCAL STREET	SERVICE ACCESS STREET	ALLEY	PRIVATE ROAD
Rights of Way	100'	80'	66'	40'	30'	33' ⁽²⁾
Driving Surface Width (including shoulder)	(1)	36'	30'	24'	20'	18'w/2' CL5 shoulders
Base Specification	(1)	(1)	(1)	(1)	(1)	same as service access street
Minimum Horizontal Curve Radii	850'	400'	200'	200'	200'	Minimum inside radius 28'
Minimum Tangent Between Curves	200'	150'	100'	100'	100'	0'
Minimum Grade	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%
Maximum Grade	5%	8%	10%	10%	10%	14%
Pavement Specifications	(1)	(1)	(1)	(1)	(1)	same as service access street

⁽¹⁾As specified by the County Engineer

⁽²⁾May be easement

Section 5.2 GEOMETRIC DESIGN STANDARDS

- The centerline of all roadways shall be the center of the platted right-of-way.
- Where new roads will be an extension of an existing road their projections shall be at the same or greater width, but in no instance less than the minimum required width.

- When connecting street lines deflect from each other by more than fifteen (15) degrees, they shall be connected by a curve with a radius appropriate to the intended functional use of said street as specified in Section 5.1 of this ordinance.
- All roadways shall be designed for a minimum of 30 miles per hour or the design speed determined by the Town Board.
- Stopping sight distance will be the minimum sight distance allowed.
- Local roads and streets shall be so aligned that their use by through traffic will be discouraged.
- Road and street jogs with centerline offsets of less than 150 feet shall be avoided.
- In so far as practical, roads and streets shall intersect at right angles and no intersection shall be at an angle of less than 70 degrees.
- Streets designed and laid out so as to have one end permanently closed shall not exceed one thousand five hundred (1500) feet in length, except where the Town Board has approved additional length due to property limitations. A cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of 90 feet and minimum right of way diameter of 120 feet.

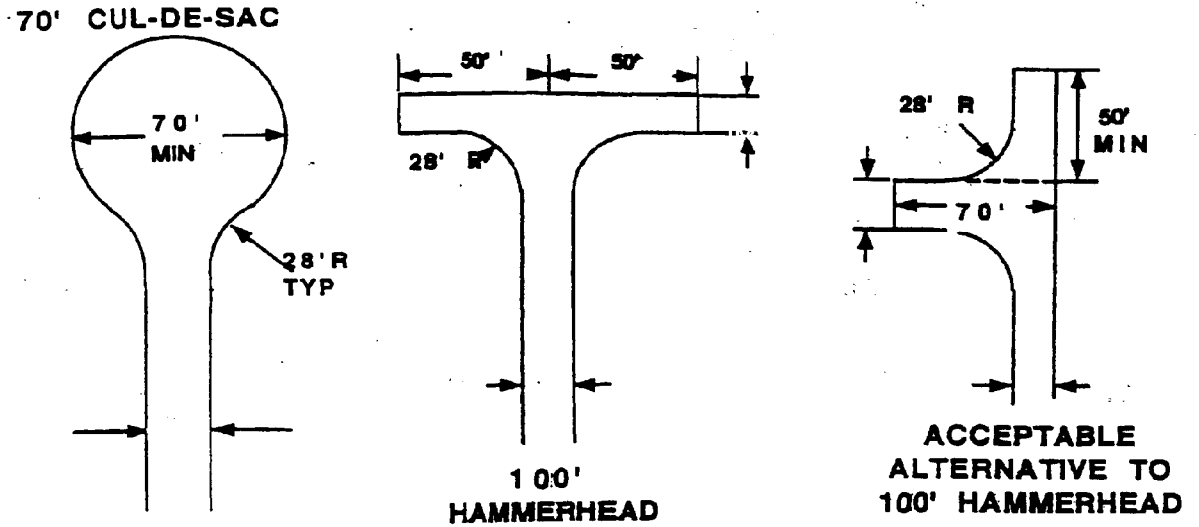
Section 5.3 INTERSECTIONS

- In so far as practical all streets and roads shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than 70 degrees. All roads and streets that do not intersect at right angles shall have the intersection angle approved by the Olmsted county highway engineer to insure sufficient sight distance and traffic safety. More than two (2) streets intersecting at the same location shall be prohibited.
- Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- When the Town Board finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of fifteen (15) feet. The Town Board may permit comparable cords in lieu of the rounded corners.

Section 5.4 PRIVATE ROADS

- A trafficway serving more than three private residences shall be deemed a private road.
- Private roads are required to have an approved and recorded road name.
- Private roads are required to have street signs. The initial signs are to be paid for by the developer / owner and subsequently maintained by all property owners owning property that utilizes the private road.
- Private roads shall be able to accommodate emergency vehicles.
- Private roads shall have the following design minimums:
 1. Minimum travelway of 18 feet with 2-foot shoulders of class five road rock.
 2. Curves shall have a minimum inside radius of 28 feet.
 3. A private road exceeding 700 ft in length will be provided with either a circular or hammer head style turn around area (Ref. Figure 5.4.)

Figure 5.4 PRIVATE ROAD -- TURN AROUND AREAS



4. The Township will not maintain private roads. If a private road is to be eligible for Township maintenance it must be upgraded to township road standards and accepted by the Township.

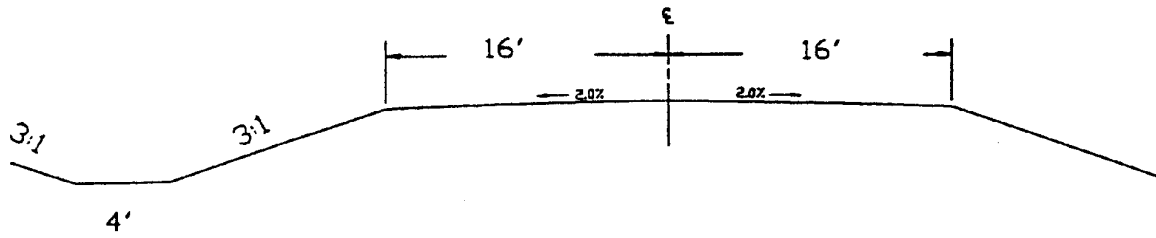
Section 5.5 ALLEYS

- Alleys shall be required in all commercial and industrial districts, except that the Commission may waive this requirement where the commercial or industrial district is designed as a comprehensive unit and adequate provisions for service access, off-street loading and unloading areas and parking space is a part of the overall development plan.
- Dead-end alleys are prohibited except where natural or other features make it impossible to continue them. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end as determined by the Commission.
- Alleys shall not be provided in residential areas unless a secondary means of access to certain property is necessary due to topography or other exceptional circumstances.
- Design standards for alleys are contained in Section 5.1 of this ordinance.

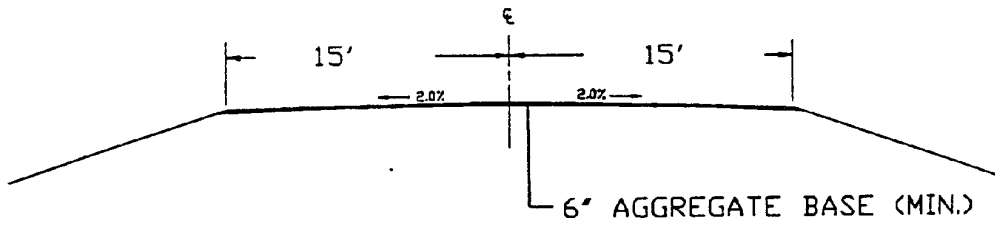
Section 5.6 GRADING, SUBGRADE, BASE AND SURFACING

- The upper one-foot of topsoil shall be removed from the traveled portion of the roadway and placed on the inslopes and backslopes.
- Roadway design shall be as illustrated in figure 5.6.
- All streets shall be graded to their full right-of-way and the roadway compacted to ninety-five (95) percent of proctor density.
- Where staged roadway construction is employed including the early application of a bituminous (bit) base pavement layer or bit base and bit wear pavement layers, the Township may require the application of a final bit wear layer prior to acceptance of the road by the township.

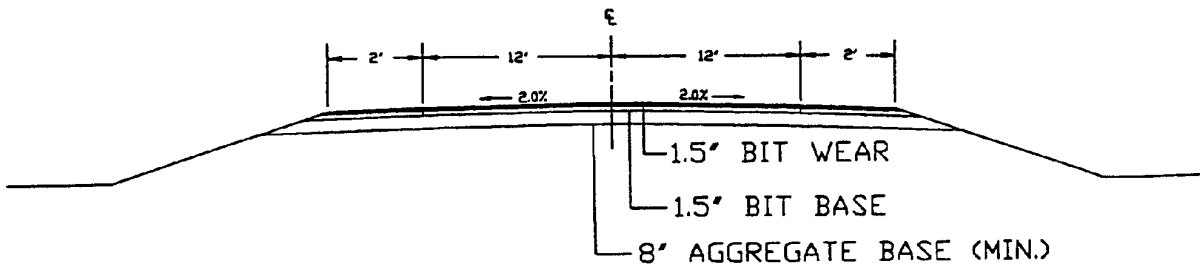
Figure 5.6 SUBGRADE, BASE, FINISHED SURFACE AND STAGED CONSTRUCTION REQUIREMENTS



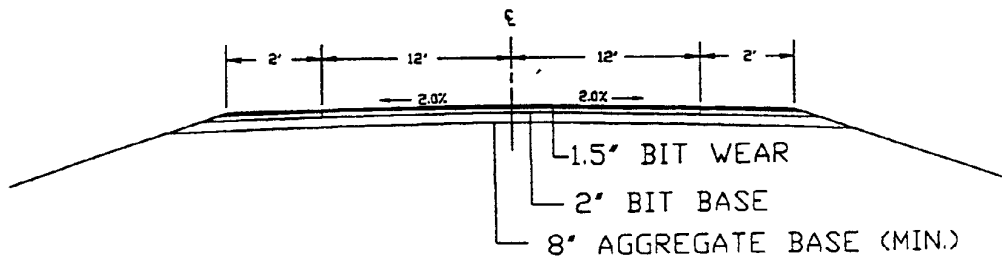
MIN. SUBGRADE REQUIREMENTS



AGGREGATE BASE REQUIREMENTS



FINISHED SURFACE REQUIREMENTS



STAGED CONSTRUCTION REQUIREMENTS

Section 5.7 EASEMENTS AND DEDICATIONS

- The Township Board may require easements for public utilities. Where such easements are determined to be necessary, they shall be provided along the rear and / or side lot lines and shall be ten (10) feet in width.
- Easements for public or private utilities will be provided along all road right-of-ways. The easements shall be a minimum of ten (10) feet in width. The easements may be interior to and abutting the exterior boundaries of the road right of ways. All above ground utility components must be exterior of the obstacle free area, which extends a distance of twenty (20) feet from the traveled portion of the roadway. Only underground utilities may be within the road right of way. All underground utilities must be buried a minimum of thirty two (32) inches below the finished grade.
- Where a water course, drainage way channel or stream traverse a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of such water course. If it is deemed advisable by the Commission, such water course or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be designed by a licensed engineer and the design reviewed by the County Engineer.
- Any storm water control or impoundment features will have easements to allow maintenance and access for maintenance.
- Upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments, the Commission may require the dedication or reservation of areas or sites suitable to the needs created by such development for schools, parks and other neighborhood purposes.

Section 5.8 LOTS

The size, width, shape and orientation of lots and buildings set back line shall be appropriate for the type of development and use contemplated. The Kalmar Township Zoning Ordinance governs lot sizes. Every lot shall have adequate access through easement of at least thirty-three feet, a private road or public street, thus providing access for fire protection, utilities and other necessary services.

Section 5.9 ENGINEERED PLANS

Street plans must conform to Kalmar Township and Olmsted County standards and designed by a civil engineer.

ARTICLE VI REQUIRED IMPROVEMENTS

Section 6.0 MONUMENTS

Durable iron monuments shall be placed at all block corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve point on the exterior boundary lines of the plat, and at such other points as may be required by the Olmsted County Engineer.

Section 6.1 STREETS

All streets/roads/roadways/drives shall be constructed in accordance with the design standards of Article V. Official acceptance of any street being public or private is required. The township shall inspect the street and determine acceptance including all drainage and stormwater detention. The township may withhold building permit applications within a development until the street has received preliminary approval by the Town Board. Preliminary street approval does not mean final approval or acceptance by the Township. Maintenance of a street by the Township shall not begin without final acceptance of the street. Partial maintenance of a street may be provided by the Township at the Town Boards discretion and shall not be considered final acceptance.

Section 6.2 SIGNS

All signs, posts and their installation shall require approval of the Olmsted County Engineer, and conform to Olmsted County standards. A fee will be charged to the developer for the first sign(s) on public roads or streets.

Section 6.3 UTILITIES

It shall be the responsibility of the subdivider to contact utility companies to determine the availability of services and to make the necessary arrangements for their installation.

Where a community or multiparty-type water supply system and/or waste removal system is to be utilized, the subdivider or developer shall install the wells, water mains and/or waste collection system prior to construction of buildings upon the lots.

The township encourages all utilities other than water and waste removal to be located in the same trench.

Section 6.4 STORM WATER MANAGEMENT

All storm water management facilities and structures must be constructed prior to acceptance of the road by the township. If no road construction is associated with the development then all storm water management facilities and structures must be constructed prior to construction of buildings upon the lots. All subdivision proposals shall define the care and maintenance of all drainage easements and stormwater facilities.

Section 6.5 CONSTRUCTION BONDS

In the interest of good development and to protect the taxpayers and future purchasers of residential, commercial and industrial properties, it shall be the policy of the Kalmar Township Board of Supervisors to require that a construction and/or performance bond, letter of credit or certified check be posted to the Olmsted County Public Works for completion of all public works required under the provisions of this ordinance.

- **CONSTRUCTION BOND:** The Township Board of Supervisors may accept a final plat for recording where the owner and/or developer of the platted subdivision posts a certified check, letter of credit or surety bond acceptable to the Township Board of Supervisors in sufficient amount to cover the provisions of this ordinance.

The amount of said certified check or surety bond shall be determined by the Town Board, with input from the County Engineer, and the stipulated period covered by such bond shall in general be for a period of two (2) years, and renewed for one (1) year intervals until the work is completed and accepted by the Town Board. Where a portion of the work covered by the certified check or surety bond has been completed and is acceptable to the Town Board then the amount of the certified check or surety bond may be reduced in proportion to the amount of work completed.

Section 6.6 DEVELOPMENT CONTRACT PROVIDING FOR THE INSTALLATION OF IMPROVEMENTS

Prior to the installation of any required improvements and prior to final approval of the plat, the developer shall enter into a contract, in writing and in a form acceptable to the Township, requiring the developer to furnish and construct said improvements at the developer's sole cost and in accordance with plans and specifications approved by the Township (Developers Agreement). The developer shall include provisions for supervision of details of construction by the township engineer and shall grant the township engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the local unit of government in the vicinity. The agreement shall require the developer to make a cash escrow deposit or a bank letter of credit in an amount and form approved by the Township. In general the surety shall represent no less than 125 percent of the cost of the improvements including all inspections.

The developer shall be responsible to pay all reasonable costs incurred by the Township or its agents in the review and inspection of the project and enforcement of this Ordinance, including but not limited to administrative, planning, engineering and legal fees.

ARTICLE VII SINKHOLE DEFINITION & REQUIREMENTS

Section 7.0 SINKHOLE DEFINITION

Where sinkholes exist in Kalmar Township and are formed by the movement of water in the ground and bedrock causing the dissolution of soluble rock and the resultant sinking of the surface into these voids. The dissolution of the rock is not uniform and is enhanced along joints and cracks in the rock. The result of this action is karst. Thus a sinkhole is defined as a depression or hole in the landscape surface formed by the dissolution of bedrock or the collapse of an underlying cavity.

Depressions in karst advisory areas where soils are deeper than eight (8) feet that were formed by differential compaction or subsidence are not considered sinkholes for the purposes of this ordinance.

Section 7.1 EDGE DEFINITION

For the purposes of defining offsets, the edge of a singular sinkhole shall be defined as the inner doline formed by the collapse or the dissolution of the carbonate bedrock plus a horizontal distance equal to the average vertical depth of soil in the area, i.e. a slope of forty five (45) degrees from the inner doline to the point of intersection with the soil at the average soil depth in the area (Ref. Fig. 7.6.)

A cluster or sinkhole group would exist where two (2) or more sinkholes are separated by an edge-to-edge distance of less than two hundred (200) feet.

Section 7.2 SINKHOLE ADVISORY AREAS

Sinkhole prone areas are defined as "karst advisory areas (KAA)" as shown in the Olmsted County Geologic Atlas.

Section 7.3 REQUIREMENTS

Developments in the KAA's must document any open or closed (mitigated) sinkholes. Preplat documentation must include an evaluation for the intrinsic geologic risk of the site including the risk of catastrophic collapse and potential for ground water contamination. Such documentation and the site topographic drawing shall identify all sinkholes on the subject property and those known or cataloged sinkholes shown in the Olmsted County or Kalmar Township sinkhole inventory or registry within a distance of five hundred (500) feet from the property boundaries.

Where sinkholes exhibit linear patterns the area shall be evaluated for soil and/or bedrock stability as part of the preplat submission and prior to any construction activity.

Section 7.4 SETBACKS

Where sinkholes are identified the following setbacks from the sinkhole edge as defined in Section 7.1 shall apply:

- Septic tanks 50 feet
- Septic fields 50 feet
- Structures without evaluation of underlying geology 500 feet

- Structures with design supported by geologic evaluation, an engineered design and with sinkhole mitigation as per the report; “Basis for Sinkhole Designs”, dated February 1993 by Barr Engineering and a minimum of: 50 feet

Section 7.5 MITIGATION OF SINKHOLES

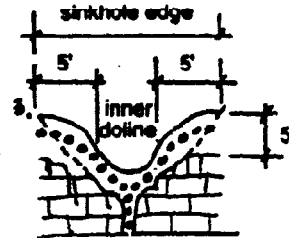
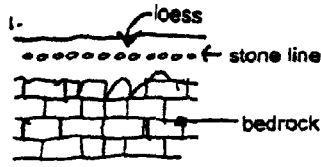
Where sinkholes occur wholly or partially within the right-of-way of public roads, these sinkholes must be mitigated in accordance with the design practices documented in “Basis for Sinkhole Designs” dated February 1993 by Barr Engineering. The proposed mitigation plan must be designed by a licensed engineer and must be accepted by the Commission as part of the preplat approval and prior to the start of any construction.

Mitigation of sinkholes in general will follow the practices identified in the document “Basis for Sinkhole Designs” dated February 1993 by Barr Engineering. The Zoning Administrator must be notified of any proposed mitigation and the mitigation plan prior to start of such mitigation.

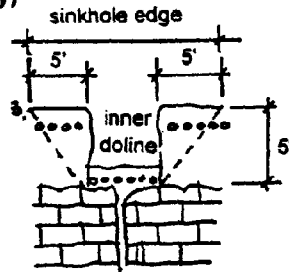
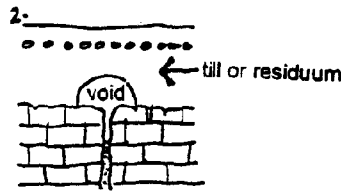
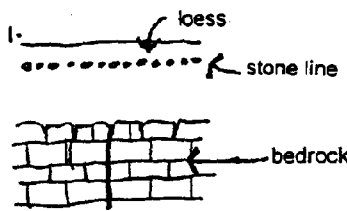
Sinkholes of a cylindrical type or any sinkhole that would potentially form a trap or be a hazard to public safety must be mitigated at the start of any construction in the development.

Figure 7.6 TYPICAL SINKHOLE CROSS-SECTIONS

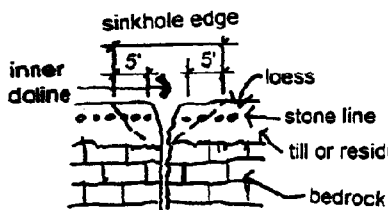
SUBSIDENCE SINKHOLES (Thin glacial drift form slowly)



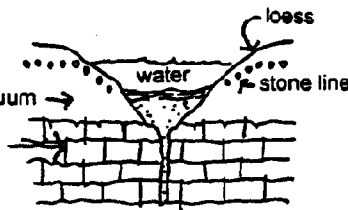
COLLAPSE SINKHOLES (Form beneath thick drift/can form catastrophically)



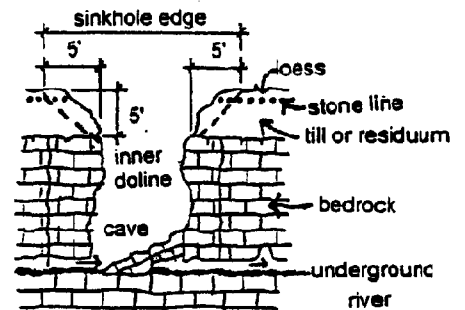
SOIL PIPES



KARST PONDS



KARST WINDOW



SINKHOLE FORMATION

Sinkholes form where surface materials are eroded through the solution channels in the underlying bedrock. If that erosion is slow compared to the rate at which the land surface adjusts, a slow subsidence sinkhole forms. If the subsurface erosion is rapid compared to the rate at which land surface adjusts, a void can form in the unconsolidated materials above the bedrock surface, and when the roof of that void fails, a catastrophic sinkhole can suddenly appear.

The drains in the bottoms of both subsidence and catastrophic sinkholes can be plugged by debris. Water may be temporarily collect in such plugged sinkholes and form ponds. As sinkholes continue to grow, they eventually form karst ponds. In Minnesota the erosion process was interrupted by cycles of glacial deposition before the sinkholes evolved into karst windows. A stone line is present beneath the loess in places, but not everywhere.

Definitions:

Inner doline- The edge of soil/bedrock collapse in cylindrical depression a point at mid-slope between the bottom and the shoulder of the depression.

Sinkhole edge- A line extending from the inner doline at a horizontal distance equal to the average vertical soil depth in the area defining a 1:1 slope (45%) from the top of bedrock at the inner doline to the surface.

ARTICLE VIII PLATTING EXCEPTIONS AND CONDITIONS

Section 8.0 METES & BOUNDS SUBDIVISION

Section 8.01 PORTION OF PLATTED LOT

On application of the owner, the Township Board may approve a metes and bounds subdivision of a portion of a platted lot under the following circumstances if, in each instance, the new and residual parcels of land which would result from the metes and bounds subdivision meet the requirements of the Zoning Ordinance.

- a) When it is desired to relocate a property line separating platted lots, or a platted lot and unplatted land, which would not result in the creation of any additional lots; or
- b) When it is desired to divide two (2) platted lots into not more than three (3) parcels; or
- c) When it is desired to divide one (1) platted lot into not more than three (3) parcels.

And the following conditions are both met:

- d) When the parcels are approved for private sewage disposal systems, if needed, by the Kalmar Township Septic Inspector.
- e) When such a subdivision will not interfere with the purposes of the Subdivision Ordinance and would be consistent with the Kalmar Township Land Use Plan.
- f) All unused wells are sealed

Section 8.02 UNPLATTED LAND

On application of the owner, the Township Board may approve a metes and bounds subdivision under the following conditions if, in each instance, the new and residual parcels of land which would result from the metes and bounds subdivision meet the requirements of the Zoning Ordinance.

- a) When it is desired to relocate a property line that would not result in the creation of any additional lots; or
- b) When the subdivision involves the creation of no more than a total of three (3) new and residual parcels from a legally recorded parcel.

And the following conditions are both met:

- c) When the parcels are approved for private sewage disposal systems, if needed, by the Kalmar Township Septic Inspector.
- d) When such a subdivision will not interfere with the purposes of the Subdivision Ordinance and would be consistent with the Kalmar Township Land Use Plan.

Section 8.1 DEDICATION OF STREET, PUBLIC UTILITY, AND DRAINAGE EASEMENTS

When it is determined that additional public street easements are required along existing public roads in order to improve drainage or roadway safety, the owner shall be required to dedicate such necessary street easements as a condition of metes and bounds subdivision approval.

When public utility easements are required, as a result of a metes and bounds subdivision, the owner shall dedicate such necessary easements as a condition of metes and bounds subdivision approval. Definition of such easement must be included on the Certificate of Survey

When drainage easements are required by the Olmsted County Engineer, Olmsted County Soil and Water Conservation District or Township Board, as a result of a metes and bounds subdivision, the owner shall dedicate such necessary drainage easement as a condition of metes and bounds subdivision approval. Definition of such easement must be included on the Certificate of Survey.

Section 8.2 APPLICATIONS

All applications under this Section shall be filed with the Zoning Administrator and shall have attached thereto a legal description and map of the land to be subdivided showing all new and residual parcels, any deed covenants or restrictions that exist or are proposed and written approval of the Olmsted County Health Department for private sewage disposal systems, if needed.

All applications shall be sent to the Town Board for their review and decision at the next scheduled meeting. The Town Board shall act on the application in accordance with State Statute time limits.

Final approval of all applications will require a Certificate of Survey prepared by a registered land surveyor for each new parcel (unless waived by the County Surveyor in total or in part). The County Surveyor may waive the Certificate of Survey for a parcel of land that is forty (40) acres or more in size.

Section 8.3 FILING FEE

A filing fee as established by the Township Board shall accompany all applications for metes and bounds subdivision approval. All fees paid by check shall be made payable as directed by the Township Zoning Administrator.

ARTICLE IX DEDICATIONS AND RESERVATIONS

Section 9.0 REQUIREMENT FOR OPEN SPACE

Where deemed appropriate by the Township Board, additional open space suitably located and of adequate size for parks, trails, playgrounds or other recreational activities for local or neighborhood use, shall be provided for in the proposed subdivision.

Section 9.1 OPEN SPACE

All developments exceeding twenty (20) acres shall provide a minimum of ten (10%) of the gross development area in a single contiguous area with permanent dedication for common open space. This space shall not include development septic set aside area or wetland as defined in the Kalmar Township Zoning Ordinance. The open space area shall be covered by a homeowner's association agreement. One-third (1/3) of the open space must be of a buildable quality. Open spaces exceeding two (2) acres may be non-contiguous. Open space shall reflect the site-specific natural characteristics.

ARTICLE X VARIANCES

Section 10.0 HARDSHIP

Where the Township Board finds that extraordinary hardship may result from strict compliance with the provisions of this ordinance, it may vary the regulations during the platting process to the extent that substantial justice may be done and the public interest secured, provided that such variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this ordinance.

Section 10.1 CONDITIONS

In the granting of variances, the Township Board shall weigh the hardships against the general standards and objectives of this ordinance and the Kalmar Township Zoning Ordinance and the Kalmar Township Land Use Plan, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 10.2 BOARD OF ADJUSTMENT

The Township Board of Adjustment shall act upon all questions, excepting the granting of the plat, as they may arise in the administration of this ordinance. The Board shall hear and decide appeals from and review any order, requirement, decision or determination made in the enforcement of this ordinance including appeals to platting variances.

Section 10.3 PLATTING VARIANCES

The Town Board shall have the authority to grant variances to the subdivisions standards during the platting process. The variances shall be reviewed by the Planning Commission and recommendations made to the Town Board. Application for such variances shall be made by the applicant during the preliminary plat and included in any staff review and comments allowed for during the public hearing process.

ARTICLE XI ENFORCEMENT

Any person, agent or corporation found guilty of violating any of the provisions of this ordinance, upon conviction thereof, shall be subject to a fine of not more than seven hundred dollars (\$700.00) and the cost of prosecution for each violation; or be imprisoned for a period of not more than ninety (90) days, or both. Each day that a violation exists or continues, shall constitute a separate offense.

ARTICLE XII AMENDMENTS

The Commission may of its own notion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning Advisory Commission, shall be submitted to the Town Board for adoption in accordance with established procedures.

ARTICLE XIII VALIDITY, SEPARABILITY AND EFFECTIVE DATE

Section 13.0 VALIDITY

Whenever any provision of this ordinance imposes restrictions, which are more restrictive than those imposed by provisions of existing laws or ordinances, the provision of this ordinance shall govern.

Section 13.1 SEPARABILITY

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except that part so declared to be invalid.

Section 13.2 EFFECTIVE DATE

This ordinance shall become effective November 4, 2016

Section 13.3 FEES

Kalmar Township is a member of Township Cooperative Planning Association. The fees for this ordinance are established by the Township Cooperative Planning Association Joint Powers Board.

If Kalmar Township is no longer a member of Township Cooperative Planning Association, then fees shall be established for items in this ordinance as established from time to time by Resolution of the Kalmar Town Board of Supervisors.